

## **REMARKS**

This amendment is in response to the Office Action dated December 24, 2003.  
Claims 126-247 are pending in the application.

5           In the Office Action, the Examiner objected to the drawings as failing to comply with  
37 CFR 1.84, the disclosure for various informalities and claims 126-129, 132, 162, 167,  
175, 185, 186, 190-192, 196, 213 and 228 for various informalities. Further, claims 167-173,  
179-184, 204, 205, 216 and 219 were rejected under 35 U.S.C. § 112 for failing to distinctly  
point out and claim the subject matter which the applicant regards as the invention. Further,  
10       claims 126-128, 149-153, 156-158, 164, 167, 174, 200-211 and 215 were rejected under  
35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,589,075 ("Buennagel").  
Further, claims 129-136, 138-146, 148, 159-163, 165, 169-173, 176-182, 185-195, 197-199,  
213, 214, 216, 218, 219, 221-225, 227-242 and 244-247 were rejected under  
35 U.S.C. § 103(a) as being unpatentable over Buennagel in view of U.S. Patent No.  
15       6,553,418 ("Collins"). Further, claims 147, 166, 217 and 220 were rejected under  
35 U.S.C. § 103(a) as being obvious over Buennagel as modified by Collins in view of U.S.  
Patent No. 5,736,847 ("van Doorn et al"). Claims 137, 154, 155, 175, 183, 184, 196, 212,  
226, and 243 were indicated to be allowable.

Each of the rejections from the Office Action of December 24, 2003 is discussed  
20       below in connection with the various claims. No new matter has been added.  
Reconsideration of the application is respectfully requested in light of the amended claims  
and the following remarks.

### **I.     OBJECTIONS**

#### 25       **A. Information Disclosure Statement**

In Office Actions of the various continuation-in-part of this application the Examiners  
indicated that several references had not been reviewed due to informalities in the lack of  
dates for the cited references. In the IDS of 7/28/03 many of these references were further

clarified with the dates as best known by the Applicant and resubmitted for the Examiner's consideration.<sup>1</sup>

With this office action the Applicant has identified some of the references, features, sections or figures which are considered material to the patentability of the pending claims for further consideration by the Examiner.

Specifically, the following references are identified as having significance for the prosecution of this application or are considered material to the patentability of the pending claims. Those references already cited by the Examiner during prosecution of this application have not been further reviewed or included herein.

Designator (from Applicants 6 <sup>th</sup> Supplemental IDS)	Citation
G38	NAMS Metals by Nisko, NMM-AKB Specifications page 1 of 1, September 5, 2000.
G43	Engage Networks Inc. "D-Gen" Distributed Generation Management brochure, pp. 1-4.
G44	Engage Networks Inc. "Internet Protocol Card for Revenue Meters" Brochure, pp1-2.
G45	Engage Networks Inc. "AEM" (Active Energy Management) brochure, pp1-2.
G47	GE Industrial Systems "EnerVista.com" brochure, 09/2000.
G49	Year 2000 Rediness Disclosure Arcom Control Systems, "Apex", obtained at internet address <a href="http://www.arcomcontrols.com/products/pcp/pcp10.htm">http://www.arcomcontrols.com/products/pcp/pcp10.htm</a> .

<sup>1</sup> In particular, references numbered G36-G45 of the 7/28/03 IDS (Applicants' 6<sup>th</sup> supplemental IDS) were previously cited in Applicants' original IDS. References numbered G46-G52 of Applicants' 6<sup>th</sup> supplemental IDS were previously cited in Applicants' 1<sup>st</sup> supplemental IDS. References numbered G53-G54 of Applicants' 6<sup>th</sup> supplemental IDS were previously cited in Applicants' 2<sup>nd</sup> supplemental IDS. References numbered G55-G59 of Applicants' 6<sup>th</sup> supplemental IDS were previously cited in Applicants' 3<sup>rd</sup> supplemental IDS. References numbered G60-G71 of Applicants' 6<sup>th</sup> supplemental IDS were previously cited in Applicants' 4<sup>th</sup> supplemental IDS. References numbered G72-G77 of Applicants' 6<sup>th</sup> supplemental IDS were previously cited in Applicants' 5<sup>th</sup> supplemental IDS.

G50	Dranetz BMI, Signature System “Information, Knowledge, Power” brochure. Copyright 1999.
G57	Brochure, EiServer, The Energy Information server, source <a href="http://www.energyict.com/fh/media/EiServer.pdf">http://www.energyict.com/fh/media/EiServer.pdf</a> , pp. 1-7, 7/14/00.
G58	Advertisement, EiServer and RTU+Server, source Metering International – 2001 Issue 1, page 19, publish date 1 <sup>st</sup> Quarter 2001, p. 1.
G59	Article, “Providing Tomorrow’s Energy Management and Metering Tools Today,” source, Metering International – 2001 Issue 1, page 18, publish date 1 <sup>st</sup> Quarter 2001, p. 1.
G66	muNet News & Events Press Releases “muNet makes cable industry debut with its WebGate Internet Residential and Commercial Information Systems, and HomeHeartBeat’, <a href="http://www.munet.com">http://www.munet.com</a> , pp1-2 12/15/99
G67	muNet News & Events Press Releases “muNet WebGate Systems Finds a Home on the Internet!” <a href="http://www.munet.com">http://www.munet.com</a> , pp. 1-2, 03/18/99
G68	WebGate IRIS Technology, products brochure pp. 1-9.
G70	WebGate IRIS “Internet Residential Information System”, p. 1 of 1 Published in Energy IT November/December 2000 Technology Info Center.
G71	WebGate ICIS “Internet Commercial Information System”, p. 1 of 1 Published in Energy IT November/December 2000 Technology Info Center.
G76	Lucent Technologies “AT&T Forms Expert Team to Design Utility Industry Solutions”, press release, January 23, 1995, pp. 1&2.

## B. Drawings

The drawings were objected to as failing to comply with 37 CFR 1.84(p)(5). With this response figures 1, 2a, 2b, 3a, 3b, 3c, 4a, 4b, 5a, 5b and 6-11 have been deleted and new  
5 figures 1, 2a, 2b, 3a, 3b, 3c, 4a, 4b, 5a, 5b and 6-11 have been added.

Figures 2a, 2b, 3b, 4b, 5a, 5b and 8-10 were objected to as failing to comply with 37 CFR 1.84 with the margins not adequate. With this response figures 2a, 2b, 3b, 4b, 5a, 5b and 8-10 have been deleted and new figures 2a, 2b, 3b, 4b, 5a, 5b and 8-10 have been added.

5 Additionally Figures 1, 3a, 3c, 4a, and 6, 7 and 11 were reviewed and modified based on the Examiner's comments concerning margins and mislabeling of specific parts of the figures.

Specifically, numbered references to the Power Management Application 111 were added to Figure 1. Reference 111 is initially defined in the existing Specification Page 15, line 29 to Page 16, line 5 as being located on one or more, in any combination, the IED 102-109 and/or back end servers 120-124. Further descriptions of the reference 111 can be found in the Specification. No new matter has been added.

Accordingly, Applicants request that the Examiner withdraw this objection.

### **C. Specification**

15 The Examiner objected to numerous sections of the Specification. With this response and in accordance with the Examiner's remarks, the Specification has been reviewed and amended. No new matter has been added.

Accordingly, Applicants request that the Examiner withdraw this objection.

### **D. Claims**

20 Claims 126-129, 132, 162, 165, 175, 185, 186, 190-192, 196, 213 and 228 were objected to because of various informalities.

Specifically, claims 126-128, 175, 196 were objected because of possible antecedent problems with the claim terms used. Appropriate correction has been made. Claim 192 was 25 objected to as using an undefined acronym in the claim. Appropriate correction has been made. Claim 228 was objected to as having a typographical error. Appropriate correction has been made.

Additionally, Claims 126-127, 129, 132, 162, 165, 185-186, 190-191, 213, 216 were objected to as being indefinite because it is unclear whether the phrase contained in the 30 parenthesis is part of the claimed subject matter or not. The text in parenthesis represents the acronym defined by the preceding text as known to those skilled in the art and/or further

define an element of the claim as known by those skilled in the art and are included for the purposes of clarity and conciseness in subsequent dependent claims. Further, these terms and acronyms are defined in the submitted Specification. The Applicants submit that the claims as presented are not indefinite.

5           Accordingly, Applicants request that the Examiner withdraw these objections.

## **II.     REJECTIONS UNDER 35 U.S.C. § 112**

          Claims 167-173, 179-184, 204, 205, 216, 219 were rejected pursuant to  
35 U.S.C. § 112 as being indefinite for failing to particularly point and distinctly claim the  
10   subject matter which the applicant regards as the invention. With this response claims 167-  
173, 179, 182, 204, 205, 216, 218, 219 have been amended for clarity and not for reasons  
related to patentability. These amendments are supported by the specification and no new  
matter has been added.

          Accordingly, Applicants request that the Examiner withdraw this rejection of claims  
15   167-173, 179-184, 204, 205, 216, 219.

## **III.    REJECTIONS UNDER 35 U.S.C. § 102(b)**

### **A.     Independent Claims 126-128**

          With this response, Applicants have amended claims 126-128 to include the  
20   limitations of dependent claim 175, indicated to be allowable by the Examiner if rewritten in  
independent form. Therefore, Applicants believe that Claims 126-128, as amended, and the  
claims that depend therefrom, are allowable over the cited references as none of the cited  
references, alone or in combination, disclose all of the limitations of these claims, as noted  
by the Examiner.

25           Accordingly, Applicants request that Examiner withdraw this rejection of claims 126-  
128.

**B. Dependent Claims 149-153, 156-158, 164, 167, 168, 174, 200-211 and 215**

Dependent Claims 149-153, 156-158, 164, 167, 168, 174, 200-211 and 215 were also rejected under 35 U.S.C. § 102(b) as being anticipated by Buennagel. The allowability of the dependent claims follows from the independent claims which should be allowed for the reasons set out above. Accordingly, Applicant requests that the Examiner withdraw this rejection of these claims.

**IV. REJECTIONS UNDER 35 U.S.C. § 103(a)**

**A. Independent Claim 129**

With this response, Applicants have amended claim 129 to include the limitations of dependent claim 226, indicated to be allowable by the Examiner if rewritten in independent form. Therefore, Applicants believe that Claim 129, and the claims that depend therefrom, are allowable over the cited references as none of the cited references, alone or in combination, disclose all of the limitations of these claims, as noted by the Examiner.

Accordingly, Applicant requests that the Examiner withdraw this rejection of independent Claim 129.

**B. Dependent Claims 130-136, 138-146, 148, 159-163, 165, 169-173, 176-182, 185-195, 197-199, 213, 214, 216, 218, 219, 221-225, 227-242 and 244-247**

Dependent Claims 130-136, 138-146, 148, 159-163, 165, 169-173, 176-182, 185-195, 197-199, 213, 214, 216, 218, 219, 221-225, 227-242 and 244-247 were also rejected under 35 U.S.C. § 103(a) as being unpatentable over Buennagel in view of Collins. The allowability of the dependent claims follows from the independent claims which should be allowed for the reasons set out above. Accordingly, Applicant requests that the Examiner withdraw this rejection of these claims.

**C. Dependent Claims 147, 166, 217, 220**

Dependent Claims 147, 166, 217, 220 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Buennagel as modified by Collins in view of van Doorn.

Applicant submits that it was improper to combine Buennagel with Collins and van Doorn, to reject Applicant's claims as van Doorn was commonly owned at the time of the invention.

The Applicants submit that van Doorn does not preclude patentability in view of 35 U.S.C. § 103(c):

5           Subject matter developed by another person, which qualifies as prior art only under one or more subsections (e), (f) and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

10           Since van Doorn is assigned to Power Measurement Ltd, the same assignee as the current Application, van Doorn shall not preclude patentability under 35 U.S.C. § 103. Further, the elements of a phasor processor and/or transducer are supported by the priority document (U.S. Pat. Application Ser. No. 08/798,723 filed February 12, 1997) that the  
15           current invention is a continuation-in-part of. Accordingly, Applicant requests that the Examiner withdraw this rejection of dependent Claims 147, 166, 217, 220.

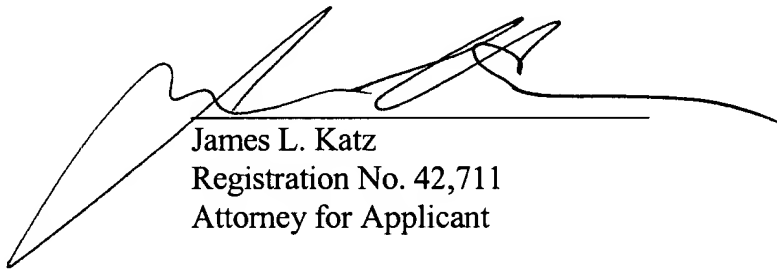
## **V.     NEW CLAIMS**

20           The Applicants have added additional independent claims based on independent claims 126, 127 and 128 in combination with the limitations of dependent claim 137, indicated to be allowable by the Examiner if rewritten in independent form. Accordingly, Applicants believe that the new claims 248-250 are allowable over the cited references as none of the cited references, alone or in combination, disclose all of the limitations of these claims, as noted by the Examiner.

## CONCLUSION

Each of the rejections in the Final Office Action dated December 24, 2003 has been addressed and no new matter has been added. Applicant submits that all of the pending claims are in condition for allowance and notice to this effect is respectfully requested. The Examiner is invited to call the undersigned if it would expedite the prosecution of this application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'James L. Katz', is written over a horizontal line. The signature is stylized with a large, sweeping initial 'J' and 'K'.

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